



General Assembly

Amendment

January Session, 2011

LCO No. 7159

SB0009807159SD0

Offered by:

SEN. FONFARA, 1st Dist.

SEN. WITKOS, 8th Dist.

SEN. DOYLE, 9th Dist.

To: Subst. Senate Bill No. 98

File No. 16

Cal. No. 41

"AN ACT PROHIBITING SPOOFING AND CRAMMING."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53a-130 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) A person is guilty of criminal impersonation when such person:
6 (1) Impersonates another and does an act in such assumed character
7 with intent to obtain a benefit or to injure or defraud another; or (2)
8 pretends to be a representative of some person or organization and
9 does an act in such pretended capacity with intent to obtain a benefit
10 or to injure or defraud another; or (3) pretends to be a public servant
11 other than a sworn member of an organized local police department or
12 the Division of State Police within the Department of Public Safety, or
13 wears or displays without authority any uniform, badge or shield by
14 which such public servant is lawfully distinguished, with intent to

15 induce another to submit to such pretended official authority or
16 otherwise to act in reliance upon that pretense; or (4) with intent to
17 defraud, deceive or injure another, uses an electronic device to
18 impersonate another and such act results in personal injury or financial
19 loss to another or the initiation of judicial proceedings against another.

20 (b) The provisions of subdivision (4) of subsection (a) of this section
21 shall not apply to a law enforcement officer acting in the performance
22 of his or her official duties.

23 ~~[(b)]~~ (c) Criminal impersonation is a class A misdemeanor.

24 Sec. 2. (NEW) *(Effective October 1, 2011)* (a) As used in this section,
25 (1) "billing company" means any entity that issues a bill in its own
26 name to a customer for any charges such entity may impose on a
27 customer for products or services provided to the customer by such
28 entity, its affiliates or any third party with whom such entity jointly
29 markets such products or services and any charges for any product or
30 service provided to such customer by a service provider; and (2)
31 "service provider" means any entity that provides a product or service
32 to a customer and that directly or indirectly charges such customer for
33 such product or service on a bill issued by a billing company and does
34 not include any entity that is a billing company.

35 (b) A service provider may charge a customer on a bill for any
36 product or service provided to such customer by such service
37 provider, if (1) such service provider clearly and conspicuously
38 disclosed to such customer all material terms and conditions of such
39 product or service, including all charges, (2) such customer expressly
40 consented to obtain such product or service, (3) such service provider
41 provided such customer with a toll-free telephone number for
42 resolving billing disputes or obtaining other information, and (4) such
43 service provider took affirmative steps to determine that any person
44 who consented to such product or service and the corresponding
45 charges was authorized to incur such charges.

46 (c) Any service provider that charges a customer for a product or

47 service is responsible for resolving any disputed charges concerning
48 such product or service. No billing company shall be liable for civil
49 damages resulting from the inclusion of any unauthorized charges for
50 any product or service provided by a service provider that appear on
51 any such customer's bill prepared by such billing company, provided
52 the inclusion of any such unauthorized charges on such bill was the
53 result of information received from such service provider. Service
54 providers shall maintain records of any dispute concerning charges for
55 a product or service provided to such customer for not less than
56 twenty-four months after such dispute arises.

57 (d) The provisions of subsections (b) and (c) of this section shall not
58 apply to the billing of charges for any products or services provided to
59 any customer by any billing company, any affiliate of such billing
60 company or any third party with whom such billing company jointly
61 markets such products or services."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	53a-130
Sec. 2	<i>October 1, 2011</i>	New section